

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

In re: BAIR HUGGER FORCED AIR
WARMING DEVICES PRODUCTS
LIABILITY LITIGATION

MDL No. 15-2666 (JNE/FLN)

ORDER

Genevieve Zimmerman, for Plaintiffs.
Monica Davies, for Defendants.
J. Randall Benham, for third-party Scott Augustine.

THIS MATTER came before the undersigned United States Magistrate Judge on July 3, 2017, on the parties' joint motion regarding continued sealing (ECF No. 588). By their joint motion, the parties agree that docket entries 522 and 523, that were initially filed under a temporary seal pursuant to Local Rule 5.6(d)(1), should be unsealed. Accordingly, these documents will be unsealed.

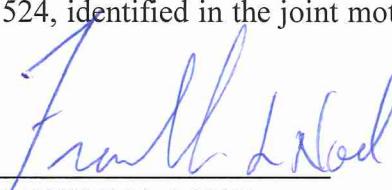
The parties disagree as to the propriety of maintaining a seal over docket entries 519 and 524, which contain transcript portions of third-party Scott Augustine's deposition. Defendants argue that these docket entries should be unsealed because Augustine has not identified any provision of the Protective Order that would justify maintaining the seal, and the confidential designation over these documents is inappropriate. Augustine states that he is evaluating both whether to continue the confidential designation and his request to maintain the seal over these documents in light of the Court's June 26, 2017, Order.

The Court notes that Augustine has not since notified the Court whether he intends to maintain the seal or confidential designation. Without an explanation as to why these documents

should be permanently sealed consistent with the requirements of Local Rule 5.6, the Court concludes that these docket entries should be unsealed. In addition, based on its own review of these documents, the Court concludes that maintaining a seal over portions of Augustine's deposition is neither appropriate nor in conformity with Local Rule 5.6.

Based upon all of the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that the parties' joint motion regarding continued sealing (ECF No. 588) is **GRANTED in part** and **DENIED in part**. Docket Entries 519, 522, 523, and 524, identified in the joint motion, will be unsealed.

DATED: September 19, 2017



FRANKLIN L. NOEL
United States Magistrate Judge